

GOVERNMENT OF ANDHRA PRADESH

A B S T R A C T

SUITS –Land Acquisition – AMRP – Nalgonda District – P.A.Pally (Mandal) Gudipally (Village) - O.P.No.24/1988 - Sanction of decretal amount of **Rs.8,20,661/-** - Orders – Issued.

IRRIGATION & CAD (PW.LA.III.A2) DEPARTMENT

G.O.RT.NO. 362

DATE:08.06.2010

Read:

- 1) From the Special Collector, Nalgonda Lr.No.A5/605/05, dt:09.02.2010
- 2) From the CCLA, AP, Hyd Lr.No.G1/323/2010, Dated:30.04.2010.

O R D E R:

The Special Chief Secretary & Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad has informed that the Spl.Collector, Nalgonda has submitted the proposal for sanction of decretal charges in respect of O.P.No.24/1988 pertaining to Gudipally (Village) P.A.Pally (Mandal) of Nalgonda District. the then Special Deputy Collector, LA, AMRP, Nalgonda acquired an extent of Ac.18.22 gts for dry and wet lands in Sy.No.69, 247, 366 and 369 situated at Gudipally (V) P.A.Pally (M) of Nalgonda District for the purpose of barrow area for embankment of Srisailem Left Bank Canal (SLBC) vide Award No.24/87, dated:24.03.1987 by fixing the market value @Rs.6,300/- per acre. Aggrieved with the compensation awarded, the awardees have sought a reference U/s.18 of L.A.Act. The Sr.Civil Judge has enhanced the compensation from Rs.6,000/- to Rs.30,000/- per acre. Aggrieved with the enhancement, the then Special Deputy Collector has preferred an appeal against the O.P.No.24/1988 before the Hon'ble High Court of A.P, Hyderabad. The Hon'ble High Court in CMP No.22792/1998 in O.P.No.24/1988 has granted interim stay that to deposit half of the decretal amount within (8) weeks from 22.10.1998. Accordingly, the then SDC has deposited 50% of the decretal amount of Rs.6,70,508/- on 05.08.1999. Finally, the Hon'ble High Court in A.S.No.1128/1999 in O.P.No.24/1988 in its common judgment partly allowed the appeals and reduced the market value from Rs.30,000/- to Rs.25,000/- and also ordered that the claimants are entitled to 30% solatium and 12% additional market value with interest at 9% and 15% as per the law laid down by Hon'ble Supreme Court of India in Sunder Vs.Union of India.

2) After careful examination of the matter, Government hereby accord administrative sanction for an amount of **Rs.8,20,661/- (Rupees Eight lakhs twenty thousand six hundred and sixty one only)** towards decretal charges in respect of E.P.No.92/2008 against O.P.No.24/1988 pertaining to Gudipally (V) P.A.Pally (Mandal) of Nalgonda District subject to verification whether the reference under section 18(1) of the L.A.Act is made to the Lower Court after following all the guidelines/directions on the subject and in case it is detected that Section 18 reference was made contrary to the rules/guidelines issued by the Government/ Special Chief Secretary to Government and Chief Commissioner for Land Administration, Andhra Pradesh, Hyderabad immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filling of restitution petition and also subject to confirmation of the Chief Engineer as to the extent of land acquired. Further, the Special Collector should verify the calculations made by the Land Acquisition Officer once again thoroughly with reference to the decree and instructions issued by the Government/Special Chief Secretary to Government and Chief Commissioner for Land Administration, Andhra Pradesh, Hyderabad on the subject from time to time duly deducting the Income Tax as per rules before depositing the amount in Lower court.

(PTO)

3) The Special Collector, LA, Nalgonda District is directed to follow the directions issued by the Hon'ble High Court on 30.04.2007 in W.P.No.2181 of 2005 in disbursement of the above sanctioned decretal charges to the rightful claimants in respect of O.P.No.24/1988 for avoiding intervention of the middlemen.

4) The expenditure sanctioned in para (2) above shall be debitible to following Head of Account under "2701 – S.M.J.H - 01 – Major Irrigation (Commerical) – M.H.127 SLBC – G.H.11 – Normal State Plan – S.H - (27) – Canals and Distributaries – 530 – Major works - 532 (charged). In case, the available budget provision is not sufficient to meet the present requirement, the expenditure shall be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.

5) This order issues with the concurrence of Finance (Works&Projects) Department vide their U.O.SP.No.3679/F.5 (A1)//2010-1, dated:02.06.2010.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ADITYA NATH DAS
SECRETARY TO GOVERNMENT

To
The Spl. Chief Secretary to Government & CCLA, A.P., Hyderabad.
The Special Collector, LA, Nalgonda District.
The District Collector, Nalgonda District
The Chief Engineer, NSRSSP/AMRP, Nampally, Hyderabad.
The Land Acquisition Officer & SDC, AMRP Unit-II, Nalgonda Dist.
The Director of Works Accounts, Hyderabad.
Copy to: P.S. to Minister (M& MI).
Finance (W&P) Department/File C.No.4237/LA-III(A2)/2010
SF/SCs

//FORWARDED::BY ORDER//

SECTION OFFICER